Number 30 Wednesday, April 14, 2010

Introduction and Reference

By Representative Robaina-

HR 9101—A resolution designating February 24, 2010, as the "Day of the Cuban Exile."

First reading by publication (Art. III, s. 7, Florida Constitution).

First Reading of Council and Committee Substitutes by Publication

By the Policy Council; and PreK-12 Policy Committee; Representatives Drake, Evers, Burgin, Bush, Carroll, Ford, Fresen, Horner, Murzin, Patronis, Stargel, Van Zant, T. Williams, and Workman—

CS/CS/HB 31—A bill to be entitled An act relating to public education; creating s. 1003.4505, F.S.; prohibiting district school boards, administrative personnel, and instructional personnel from taking affirmative action that infringes or waives the rights or freedoms afforded by the First Amendment to the United States Constitution in the absence of certain consent; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By the Criminal & Civil Justice Policy Council; and Criminal & Civil Justice Appropriations Committee; Representative Reed—

CS/CS/HB 203—A bill to be entitled An act relating to community corrections assistance to counties or county consortiums; amending s. 948.51, F.S.; adding rehabilitative community reentry programs to the list of programs, services, and facilities that may be funded using community corrections funds; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By the General Government Policy Council; Government Operations Appropriations Committee; and Insurance, Business & Financial Affairs Policy Committee; Representatives Hudson, Ambler, Burgin, Garcia, Nehr, O'Toole, Randolph, Rouson, T. Williams, and Workman—

CS/CS/CS/HB 303—A bill to be entitled An act relating to regulation of real estate appraisers and appraisal management companies; amending s. 475.611, F.S.; providing definitions; amending s. 475.613, F.S.; revising the membership of the Florida Real Estate Appraisal Board; amending s. 475.614, F.S.; requiring the board to adopt certain rules; amending s. 475.6147, F.S.; requiring application, registration, and renewal fees for appraisal management companies; creating s. 475.6235, F.S.; requiring

appraisal management companies to register with the Department of Business and Professional Regulation; specifying application requirements and procedures; requiring the fingerprinting and criminal history records checks of, and providing qualifications for, certain persons who control appraisal management companies to consent to commencement of actions in this state; requiring the department to adopt rules relating to the renewal of registrations; amending s. 475.624, F.S.; conforming provisions to changes made by the act; creating s. 475.6245, F.S.; providing for the discipline of appraisal management companies by the board; amending s. 475.626, F.S.; providing penalties; conforming provisions to changes made by the act; amending s. 475.629, F.S.; revising requirements for the retention of appraisal records; requiring appraisal management companies to follow such requirements; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By the Criminal & Civil Justice Policy Council; Policy Council; and Civil Justice & Courts Policy Committee; Representatives Brisé, Reed, Soto, and Zapata—

CS/CS/CS/HB 409—A bill to be entitled An act relating to garnishment; amending s. 77.041, F.S.; increasing the amount of wages of a head of family that is exempt from garnishment; amending s. 222.11, F.S.; increasing the amount of wages of a head of family that is exempt from garnishment; providing a form that must be used for an agreement to waive the exemption from garnishment; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By the Criminal & Civil Justice Policy Council; Insurance, Business & Financial Affairs Policy Committee; and Civil Justice & Courts Policy Committee; Representatives Bogdanoff, Hudson, Sachs, Ambler, Burgin, Frishe, Sands, and T. Williams—

CS/CS/CS/HB 561—A bill to be entitled An act relating to community associations; amending s. 399.02, F.S.; exempting certain elevators from specific code update requirements; providing a phase-in period for such elevators; amending s. 617.0721, F.S.; revising the limitations on the right of members to vote on corporate matters for certain corporations not for profit that are regulated under ch. 718 or ch. 719, F.S.; amending s. 617.0808, F.S.; exempting certain corporations not for profit that are an association as defined in s. 720.301, F.S., or a corporation regulated under ch. 718 or ch. 719, F.S., from certain provisions relating to the removal of a director; creating s. 617.1606, F.S.; providing that certain statutory provisions providing for the inspection of corporate records do not apply to a corporation not for profit that is an association as defined in s. 720.301, F.S., or a corporation regulated under ch. 718 or ch. 719, F.S.; creating s. 627.714, F.S.; requiring that coverage under a condominium unit owner's policy for certain assessments include at least a minimum amount of loss assessment coverage; requiring

that every property insurance policy to an individual condominium unit owner contain a specified provision; amending s. 633.0215, F.S.; exempting certain residential buildings from a requirement to install a manual fire alarm system; amending s. 718.103, F.S.; redefining the term "developer"; amending s. 718.110, F.S.; allowing the condominium association to have the authority to restrict through an amendment to a declaration of condominium, rather than prohibit, the rental of condominium units; amending s. 718.111, F.S.; deleting a requirement for the board of a condominium to hold a meeting open to unit owners to establish the amount of an insurance deductible; revising the property to which a property insurance policy for a condominium association applies; revising the requirements for a condominium unit owner's property insurance policy; limiting the circumstances under which a person who violates requirements to maintain association records may be personally liable for a civil penalty; providing that a condominium association is not responsible for the use of certain information provided to an association member under certain circumstances; specifying records of a condominium association that are exempt from a requirement for records to be available for inspection by an association member; revising the requirements for rules relating to the financial report that must be adopted by the Division of Florida Condominiums, Timeshares, and Mobile Homes of the Department of Business and Professional Regulation; revising the requirements for a financial report based on the amount of a condominium's revenues; amending s. 718.112, F.S.; revising provisions relating to the terms of appointment or election of condominium members to a board of administration; creating exceptions to such provisions for condominiums that contain timeshares; specifying a certification that a person who is appointed or elected to a board of administration must make or educational requirements such board member must satisfy; conforming cross-references to changes made by the act; deleting a provision prohibiting an association from foregoing the retrofitting with a fire sprinkler system of common areas in a high-rise building; prohibiting local authorities having jurisdiction from requiring retrofitting with a sprinkler system or other engineered lifesafety system before a specified date; requiring an association that has not voted to forego retrofitting to file for a building permit by a certain date; authorizing an association to forgo retrofitting under certain circumstances; providing requirements for a special meeting of unit owners which may be called every 3 years in order to vote to forgo retrofitting of the sprinkler system or other engineered lifesafety systems; providing meeting notice requirements; expanding the monetary obligations that a director or officer must satisfy to avoid abandoning his or her office; revising provisions relating to director or officer offenses; providing that a condominium association may expend moneys for neighborhood marketing activities; amending s. 718.115, F.S.; specifying certain services provided in a declaration of condominium which are obtained pursuant to a bulk contract to be deemed a common expense; specifying provisions that must be contained in a bulk contract; specifying cancellation procedures for bulk contracts; amending s. 718.116, F.S.; increasing the liability of a first mortgagee or assignee of a first mortgagee for assessments owed at the time of a foreclosure sale; requiring a tenant in a unit owned by a person who is delinquent in the payment of a monetary obligation to the condominium association to pay rent to the association under certain circumstances; authorizing the condominium association to sue such tenant who fails to pay rent for eviction under certain circumstances; providing that the tenant is immune from claims from the unit owner as the result of paying rent to the association under certain circumstances; amending s. 718.117, F.S.; revising the circumstances under which a condominium association may be terminated due to economic waste or impossibility; revising provisions specifying the effect of a termination of condominium; amending s. 718.202, F.S.; providing that certain escrow funds may be maintained in a common escrow account; amending s. 718.301, F.S.; revising conditions under which unit owners other than the developer may elect at least a majority of the members of the board of administration of an association; amending s. 718.303, F.S.; authorizing an association to suspend for a reasonable time the right of a unit owner or the unit's occupant, licensee, or invitee to use certain common elements under certain circumstances; prohibiting a fine from being levied or a suspension from being imposed unless the association meets certain requirements for notice and provides an opportunity for a hearing; authorizing an association to suspend voting rights of a member due to

nonpayment of assessments, fines, or other charges under certain circumstances; amending s. 718.501, F.S.; specifying that the jurisdiction of the Division of Florida Condominiums, Timeshares, and Mobile Homes includes bulk assignees and bulk buyers; creating part VII of ch. 718, F.S.; creating the "Distressed Condominium Relief Act"; providing legislative findings and intent; defining the terms "bulk assignee" and "bulk buyer"; providing for the assignment of developer rights by a bulk assignee; specifying liabilities of bulk assignees and bulk buyers; providing exceptions; providing additional responsibilities of bulk assignees and bulk buyers; authorizing certain entities to assign developer rights to a bulk assignee; limiting the number of bulk assignees at any given time; providing for the transfer of control of a board of administration to unit owners; providing effects of such transfer on parcels acquired by a bulk assignee; providing obligations of a bulk assignee upon the transfer of control of a board of administration; requiring that a bulk assignee certify certain information in writing; providing for the resolution of a conflict between specified provisions of state law; providing that the failure of a bulk assignee or bulk buyer to comply with specified provisions of state law results in the loss of certain protections and exemptions; requiring that a bulk assignee or bulk buyer file certain information with the Division of Florida Condominiums, Timeshares, and Mobile Homes of the Department of Business and Professional Regulation before offering any units for sale or lease in excess of a specified term; requiring that a copy of such information be provided to a prospective purchaser or tenant; requiring that certain contracts and disclosure statements contain specified statements; requiring that a bulk assignee or bulk buyer comply with certain disclosure requirements; prohibiting a bulk assignee from authorizing certain actions on behalf of an association while the bulk assignee is in control of the board of administration of the association; requiring that a bulk assignee or bulk buyer comply with certain laws with respect to contracts entered into by the association while the bulk assignee or bulk buyer was in control of the board of administration; providing parcel owners with specified protections regarding certain contracts; requiring that a bulk buyer comply with certain requirements regarding the transfer of a parcel; prohibiting a person from being classified as a bulk assignee or bulk buyer unless condominium parcels were acquired before a specified date; providing that the assignment of developer rights to a bulk assignee does not release a developer from certain liabilities; amending s. 719.106, F.S.; providing for the filling of vacancies on the board of administration of a cooperative; amending s. 719.1055, F.S.; providing an additional required provision in cooperative bylaws; deleting a provision prohibiting an association from foregoing the retrofitting with a fire sprinkler system of common areas in a high-rise building; prohibiting local authorities having jurisdiction from requiring retrofitting with a sprinkler system or other engineered lifesafety system before a specified date; providing requirements for a special meeting of unit owners which may be called every 3 years in order to vote to require retrofitting of the sprinkler system or other engineered lifesafety system; providing meeting notice requirements; amending s. 719.108, F.S.; providing for a lien by an association on a cooperative unit for certain fees and costs; providing procedures and notice requirements for the filing of a lien by an association; requiring a tenant in a unit owned by a person who is delinquent in the payment of a monetary obligation to the cooperative association to pay rent to the association under certain circumstances; amending s. 720.303, F.S.; revising provisions relating to homeowners' association board meetings, inspection and copying of records, and reserve accounts of budgets; expanding the list of association records that are not accessible to members and parcel owners; prohibiting certain association personnel from receiving a salary or compensation; providing exceptions; amending s. 720.304, F.S.; providing that a flagpole and any flagpole display are subject to certain codes and regulations; amending s. 720.305, F.S.; authorizing a homeowners' association to suspend rights to use common areas and facilities if the member is delinquent on the payment of a monetary obligation due for a certain period of time; providing procedures and notice requirements for levying a fine or imposing a suspension; amending s. 720.306, F.S.; providing requirements for secret ballots; providing procedures for filling a vacancy on the board of directors of a homeowners' association; amending s. 720.3085, F.S.; requiring a tenant in a property owned by a person who is

delinquent in the payment of a monetary obligation to the homeowners' association to pay rent to the association under certain circumstances; amending s. 720.31, F.S.; authorizing an association to enter into certain agreements to use lands or facilities; requiring that certain items be stated and fully described in the declaration; limiting an association's power to enter into such agreements after a specified period following the recording of a declaration; requiring that certain agreements be approved by a specified percentage of voting interests of an association when the declaration is silent as to the authority of an association to enter into such agreement; authorizing an association to join with other associations or a master association under certain circumstances and for specified purposes; creating s. 720.315, F.S.; prohibiting the board of directors of a homeowners' association from levying a special assessment before turnover of the association by the developer unless certain conditions are met; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By the Criminal & Civil Justice Policy Council; Criminal & Civil Justice Appropriations Committee; and Public Safety & Domestic Security Policy Committee; Representatives Brandenburg and Porth—

CS/CS/CS/HB 621—A bill to be entitled An act relating to credit and debit card crimes; amending s. 501.0117, F.S.; prohibiting a seller or lessor from imposing a surcharge on debit card transactions; defining the term "debit card"; providing nonapplicability to offers of a discount for the purpose of inducing payment by cash, check, or other means not involving the use of a debit card; providing penalties; amending s. 817.60, F.S.; prohibiting possession of a stolen credit or debit card in specified circumstances; providing penalties; providing that a retailer who takes, accepts, retains, or possesses a stolen credit or debit card without knowledge that the card is stolen and who is authorized to process transactions by the company issuing the credit or debit card does not commit a violation; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By the General Government Policy Council; Natural Resources Appropriations Committee; and Agriculture & Natural Resources Policy Committee; Representatives Grimsley, Boyd, Adkins, Brisé, Mayfield, Planas, and Zapata—

CS/CS/CS/HB 981—A bill to be entitled An act relating to agriculture; amending s. 193.461, F.S.; clarifying that land classified as agricultural retains that classification when offered for sale under certain circumstances; providing for retroactive application; providing the methodology for assessing certain structures and improvements used for horticultural production; amending s. 369.20, F.S.; authorizing the Fish and Wildlife Conservation Commission to enter into an agreement with the Department of Environmental Protection for the uniform regulation of pesticides applied to waters of the state; revising exemptions from water pollution permits; amending s. 403.088, F.S.; providing permits for applying pesticides to the waters of the state; requiring the Department of Environmental Protection to enter into agreements with the Department of Agriculture and Consumer Services and the commission for the uniform regulation of pesticides applied to the waters of the state; authorizing temporary deviations from certain rule provisions adopted by the Department of Environmental Protection for certain pesticides under certain conditions; amending s. 487.163, F.S.; requiring the Department of Agriculture and Consumer Services to enter into an agreement with the Department of Environmental Protection for the uniform regulation of pesticides applied to the waters of the state; amending s. 573.112, F.S.; providing that the Citrus Research and Development Foundation shall provide advice to the Department of Agriculture and Consumer Services with respect to citrus research marketing orders, conduct citrus research, and perform other duties assigned by the department; amending s. 573.118, F.S.; providing for the deposit of certain agricultural assessments; revising the assessment rate on citrus fruit; amending s. 581.031, F.S.; expanding the type of research projects that may be conducted by the Department of Agriculture

and Consumer Services; amending s. 601.07, F.S.; revising the location of the executive offices of the Department of Citrus; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By the General Government Policy Council; Natural Resources Appropriations Committee; and Agriculture & Natural Resources Policy Committee; Representatives Patronis, Crisafulli, and Drake—

CS/CS/CS/HB 1239—A bill to be entitled An act relating to docks; amending s. 258.42, F.S.; authorizing the placement of roofs on certain residential single-family docks; amending s. 403.061, F.S.; authorizing the Department of Environmental Protection to adopt rules that include special criteria for approving certain docking facilities in shellfish harvesting waters; deleting an obsolete provision; authorizing the department to maintain a list of projects or activities for applicants to consider when developing proposals in order to meet mitigation or public interest requirements; authorizing the department to expand online self-certification and authorization for certain exemptions, general permits, and individual permits; requiring the department to provide a report to the Legislature and the Legislative Committee on Intergovernmental Relations by a specified date; prohibiting local governments from specifying the method or form for documenting that a project meets specified requirements; amending s. 403.813, F.S.; clarifying provisions relating to permits issued at district centers to authorize the use of different construction materials or minor deviations when replacing or repairing docks and piers; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By the Criminal & Civil Justice Policy Council; and Health Care Appropriations Committee; Representative Weinstein—

CS/CS/HB 1383—A bill to be entitled An act relating to pregnant children and youth in out-of-home care; amending s. 39.822, F.S.; requiring courts to appoint by a specified time a pro bono attorney or guardian ad litem for a child or youth in out-of-home care who is pregnant; creating s. 39.8299, F.S.; requiring the Statewide Guardian Ad Litem Office to establish a Specialty Guardian Ad Litem Pilot Program in the Fourth Judicial Circuit to serve children and youth in out-of-home care who are pregnant; requiring the program to be reviewed and evaluated by the Statewide Guardian Ad Litem Office; requiring a report to the Legislature; limiting expansion of the program under certain circumstances; providing for development, implementation, administration, and supervision of the program; directing the Statewide Guardian Ad Litem Office, in conjunction with the pilot program, to develop and implement a training program for specialty guardians ad litem; providing requirements for appointment of specialty guardians ad litem by the court; specifying information to be provided to the administrator after an appointment is made; requiring that a pro bono attorney or guardian ad litem be appointed if a specialty guardian ad litem is not available; limiting the specialty guardian ad litem's representation to proceedings under specified provisions; providing that the specialty guardian ad litem does not have the authority to accept notice of termination of pregnancy; providing for a guardian ad litem to be appointed at the end of the specialty guardian ad litem's representation; providing that the pilot program and specialty guardians ad litem are subject to specified provisions relating to the appointment of a guardian ad litem for an abused, neglected, or abandoned child; amending s. 409.146, F.S.; requiring the children and families client and management information system to include information concerning the status and outcomes of pregnant children and youth in licensed care; requiring community-based providers and subcontractors to report specified pregnancy and outcome data to the Department of Children and Family Services; specifying reporting procedures; providing appropriations; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By the Criminal & Civil Justice Policy Council; Representatives Precourt, Adkins, Ambler, Burgin, Dorworth, Ford, Kreegel, Mayfield, Plakon, Planas, Rouson, and T. Williams—

CS/HJR 1399—A joint resolution proposing an amendment to Section 3 of Article I of the State Constitution to provide that an individual may not be barred from participating in any public program because of choosing to use public benefits at a religious provider and to delete a prohibition against using public revenues in aid of any church, sect, or religious denomination or any sectarian institution.

First reading by publication (Art. III, s. 7, Florida Constitution).

By the Finance & Tax Council; and Military & Local Affairs Policy Committee; Representative Schenck—

CS/CS/HB 1483—A bill to be entitled An act relating to the Spring Hill Fire Rescue and Emergency Medical Services District, Hernando County; amending chapter 2009-261, Laws of Florida; revising district boundaries; providing an effective date.

Proof of Publication of the required notice was attached.

First reading by publication (Art. III, s. 7, Florida Constitution).

Reference

CS/CS/HB 31—Referred to the Education Policy Council.

CS/CS/CS/HB 713—Referred to the Calendar of the House.

CS/CS for HB 1073 & HB 81—Referred to the Calendar of the House.

CS/CS/HB 1277—Referred to the Calendar of the House.

CS/HB 7127—Referred to the Calendar of the House.

HB 7219—Referred to the Calendar of the House.

HB 7221—Referred to the Calendar of the House.

Cosponsors

HB 7—Bembry, Mayfield

CS/HB 603-Plakon

CS/HB 885-Plakon

HB 931-Grady

CS/CS/HB 1271—McKeel

HB 1449—Ambler, Crisafulli, Ford, Tobia

HR 9033-Flores, Kriseman, Van Zant

HR 9087—Stargel

Reports of Standing Councils and Committees

Received April 13:

The Policy Council reported the following favorably: CS/HB 31 with council substitute

The above council substitute was transmitted to the Office of the Speaker, subject to referral under Rule 7.20. Under the rule, CS/HB 31 was laid on the table.

The General Government Policy Council reported the following favorably:

CS/CS/HB 303 with council substitute

The above council substitute was transmitted to the Office of the Speaker, subject to referral under Rule 7.20. Under the rule, CS/CS/HB 303 was laid on the table.

The General Government Policy Council reported the following favorably:

CS/CS/HB 981 with council substitute

The above council substitute was transmitted to the Office of the Speaker, subject to referral under Rule 7.20. Under the rule, CS/CS/HB 981 was laid on the table.

The General Government Policy Council reported the following favorably:

CS/CS/HB 1239 with council substitute

The above council substitute was transmitted to the Office of the Speaker, subject to referral under Rule 7.20. Under the rule, CS/CS/HB 1239 was laid on the table.

Received April 14:

The Criminal & Civil Justice Policy Council reported the following favorably:

CS/HB 203 with council substitute

The above council substitute was transmitted to the Office of the Speaker, subject to referral under Rule 7.20. Under the rule, CS/HB 203 was laid on the table.

The Criminal & Civil Justice Policy Council reported the following favorably:

CS/CS/HB 409 with council substitute

The above council substitute was transmitted to the Office of the Speaker, subject to referral under Rule 7.20. Under the rule, CS/CS/HB 409 was laid on the table.

The Criminal & Civil Justice Policy Council reported the following favorably:

CS/CS/HB 561 with council substitute

The above council substitute was transmitted to the Office of the Speaker, subject to referral under Rule 7.20. Under the rule, CS/CS/HB 561 was laid on the table.

The Criminal & Civil Justice Policy Council reported the following favorably:

CS/CS/HB 621 with council substitute

The above council substitute was transmitted to the Office of the Speaker, subject to referral under Rule 7.20. Under the rule, CS/CS/HB 621 was laid on the table.

The Health & Family Services Policy Council reported the following favorably:

CS/HB 729

The above committee substitute was placed on the Calendar of the House.

The Finance & Tax Council reported the following favorably: CS/HB 1129

The above committee substitute was transmitted to the next council or committee of reference, the Economic Development & Community Affairs Policy Council.

The Criminal & Civil Justice Policy Council reported the following favorably:

HB 1383 with council substitute

The above council substitute was transmitted to the Office of the Speaker, subject to referral under Rule 7.20. Under the rule, HB 1383 was laid on the table

The Criminal & Civil Justice Policy Council reported the following favorably:

HJR 1399 with council substitute

The above council substitute was transmitted to the Office of the Speaker, subject to referral under Rule 7.20. Under the rule, HJR 1399 was laid on the table.

The Finance & Tax Council reported the following favorably: CS/HB 1483 with council substitute

The above council substitute was transmitted to the Office of the Speaker, subject to referral under Rule 7.20. Under the rule, CS/HB 1483 was laid on the table

The Finance & Tax Council reported the following favorably: CS/HB 1487

The above committee substitute was transmitted to the next council or committee of reference, the Economic Development & Community Affairs Policy Council.

Votes After Roll Call

[Date(s) of Vote(s) and Sequence Number(s)]

Rep. Galvano:

Yeas-April 6: 690; April 7: 709

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